

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
BENSON EVERETT LEGG
Chief Judge

101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0723

February 19, 2004

MEMORANDUM TO COUNSEL RE: Manor Care of America, Inc. v. Property & Casualty Insurance Guarantee Corporation,
Civil No. L-02-4206

Dear Counsel:

On September 5, 2003, Manor Care of America, Inc. ("Manor Care") filed a motion to compel and for sanctions arising out of Mr. Mezzanotte's conduct during the deposition of Ms. Deborah Price. Property & Casualty Insurance Guarantee Corporation ("PCIGC") filed a memorandum in opposition, and Manor Care filed its reply in the ordinary course.

On October 9, 2003, the Court advised Counsel that PCIGC could file a surreply if it obtained the consent of opposing Counsel. On October 22nd, PCIGC filed a motion for leave to file a surreply. On November 5th, Manor Care filed a response, stating that it did not oppose PCIGC's surreply so long as Manor Care would be given the opportunity to respond to PCIGC's surreply. On November 10th, PCIGC filed another memorandum, arguing that Manor Care should not be afforded the opportunity to file a sur-surreply.

The Court will consider the arguments in the pleadings filed to date. Further briefing on this point, however, is not necessary. Accordingly, the Court hereby DENIES PCIGC's motion for leave to file a surreply [Docket No. 28]. The Court will issue a Memorandum on the motion to compel and for sanctions in due course.

Despite the informal nature of this memorandum, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

Benson Everett Legg

c: Court file